

**BEFORE THE  
BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

**JIMMIE TERANGI SIMPSON II**

**Licensed Marriage and Family Therapist  
License Applicant**

Respondent.

Case No. 2002023000752

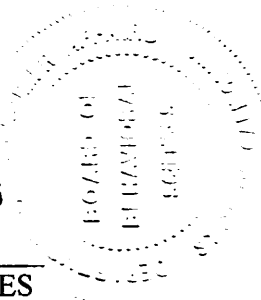
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 5, 2023.

It is so ORDERED December 6, 2022.

  
\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS



1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
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7

8 **BEFORE THE**  
9 **BOARD OF BEHAVIORAL SCIENCES**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
13 Against:

Case No. 2002023000752

14 **JIMMIE TERANGI SIMPSON II**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16 **Licensed Marriage and Family Therapist  
License Applicant**

17 Respondent.  
18

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Steve Sodergren (Complainant) is the Executive Officer of the Board of Behavioral  
24 Sciences (Board). He brought this action solely in his official capacity and is represented in this  
25 matter by Rob Bonta, Attorney General of the State of California, by Langston M. Edwards,  
26 Deputy Attorney General.

27 2. Respondent Jimmie Terangi Simpson II (Respondent) is representing himself in this  
28 proceeding and has chosen not to exercise his right to be represented by counsel.

1           3.    On or about October 12, 2016, the Board issued Associate Marriage and Family  
2 Therapist License Number AMFT 95794 to Jimmie Terangi Simpson II (Respondent). The  
3 Associate Marriage and Family Therapist License cancelled on October 31, 2022 and is not  
4 renewable.

5           4.    On or about September 28, 2022, the Board of Behavioral Sciences, Department of  
6 Consumer Affairs received an application for a Licensed Marriage and Family Therapist License  
7 from Respondent. The Board denied the application on October 11, 2022.

8                                   **JURISDICTION**

9           5.    Statement of Issues No. 2002023000752 was filed before the Board, and is currently  
10 pending against Respondent. The Statement of Issues and all other statutorily required  
11 documents were properly served on Respondent on November 7, 2022.

12           6.    A copy of Statement of Issues No. 2002023000752 is attached as exhibit A and  
13 incorporated herein by reference.

14                                   **ADVISEMENT AND WAIVERS**

15           7.    Respondent has carefully read, and understands the charges and allegations in  
16 Statement of Issues No. 2002023000752. Respondent has also carefully read, and understands  
17 the effects of this Stipulated Settlement and Disciplinary Order.

18           8.    Respondent is fully aware of his legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
20 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
21 the right to present evidence and to testify on his own behalf; the right to the issuance of  
22 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
23 reconsideration and court review of an adverse decision; and all other rights accorded by the  
24 California Administrative Procedure Act and other applicable laws.

25           9.    Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
26 every right set forth above.

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28    ///

1 **CULPABILITY**

2 10. Respondent admits the truth of each and every charge and allegation in Statement of  
3 Issues No. 2002023000752.

4 11. Respondent agrees that his Licensed Marriage and Family Therapist License is  
5 subject to denial and he agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 **CONTINGENCY**

8 12. This stipulation shall be subject to approval by the Board of Behavioral Sciences.  
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
10 Behavioral Sciences may communicate directly with the Board regarding this stipulation and  
11 settlement, without notice to or participation by Respondent. By signing the stipulation,  
12 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
13 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
14 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
16 the parties, and the Board shall not be disqualified from further action by having considered this  
17 matter.

18 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
20 signatures thereto, shall have the same force and effect as the originals.

21 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
26 writing executed by an authorized representative of each of the parties.

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28 ///

1           15. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4                                   **DISCIPLINARY ORDER**

5           IT IS HEREBY ORDERED that Respondent Jimmie Terangi Simpson II be issued a  
6 Licensed Marriage and Family Therapist License upon satisfaction of all requirements for  
7 licensure. Said license shall be immediately revoked. The revocation will be stayed and  
8 Respondent placed on five (5) years probation on the following terms and conditions. Probation  
9 shall continue on the same terms and conditions if Respondent is granted a subsequent  
10 registration, becomes licensed, or is granted another registration or license regulated by the Board  
11 during the probationary period.

12           1.   **Psychological / Psychiatric Evaluation**

13           Within 90 days of the effective date of this Decision, and on a periodic basis thereafter as  
14 may be required by the Board or its designee, respondent shall complete a psychological or  
15 psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the  
16 Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in  
17 a timely fashion constitutes a violation of probation.

18           Such evaluator shall furnish a written report to the Board or its designee regarding  
19 respondent's judgment and ability to function independently and safely as a counselor and such  
20 other information as the Board may require. Respondent shall execute a Release of Information  
21 authorizing the evaluator to release all information to the Board. Respondent shall comply with  
22 the recommendations of the evaluator.

23           If a psychological or psychiatric evaluation indicates a need for supervised practice, (within  
24 30 days of notification by the Board), respondent shall submit to the Board or its designee, for its  
25 prior approval, the name and qualification of one or more proposed supervisors and a plan by  
26 each supervisor by which respondent's practice will be supervised.

27           If respondent is determined to be unable to practice independently and safely, upon  
28 notification, respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board or its designee. Respondent shall not engage in any practice for which a  
2 license issued by the Board is required, until the Board or its designee has notified respondent of  
3 its determination that respondent may resume practice.

## 4       2.     **Psychotherapy**

5       Respondent shall participate in ongoing psychotherapy with a California licensed mental  
6 health professional who has been approved by the Board. Within 15 days of the effective date of  
7 this Decision, respondent shall submit to the Board or its designee for its prior approval the name  
8 and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a  
9 valid California license to practice and shall have had no prior business, professional, or personal  
10 relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at  
11 least once a week unless otherwise determined by the Board. Respondent shall continue in such  
12 therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

13       Respondent may, after receiving the Board's written permission, receive therapy via  
14 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are  
15 unsuccessful due to the unavailability of qualified mental health care professionals in the area.  
16 The Board may require that respondent provide written documentation of his good faith attempts  
17 to secure counseling via videoconferencing.

18       Respondent shall provide the therapist with a copy of the Board's Decision no later than the  
19 first counseling session. Upon approval by the Board, respondent shall undergo and continue  
20 treatment until the Board or its designee determines that no further psychotherapy is necessary.

21       Respondent shall take all necessary steps to ensure that the treating psychotherapist submits  
22 quarterly written reports to the Board concerning respondent's fitness to practice, progress in  
23 treatment, and to provide such other information as may be required by the Board. Respondent  
24 shall execute a Release of Information authorizing the therapist to divulge information to the  
25 Board.

26       If the treating psychotherapist finds that respondent cannot practice safely or independently,  
27 the psychotherapist shall notify the Board within three (3) working days. Upon notification by  
28 the Board, respondent shall immediately cease practice and shall not resume practice until

1 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter  
2 engage in any practice for which a license issued by the Board is required until the Board or its  
3 designee has notified respondent that he may resume practice. Respondent shall document  
4 compliance with this condition in the manner required by the Board.

### 5       3.     **Supervised Practice**

6       Within 30 days of the effective date of this decision, respondent shall submit to the Board  
7 or its designee, for its prior approval, the name and qualification of one or more proposed  
8 supervisors and a plan by each supervisor. The supervisor shall be a current California licensed  
9 practitioner in respondent's field of practice, who shall submit written reports to the Board or its  
10 designee on a quarterly basis verifying that supervision has taken place as required and including  
11 an evaluation of respondent's performance. The supervisor shall be independent, with no prior  
12 business, professional or personal relationship with respondent.

13       If respondent is unable to secure a supervisor in his field of practice due to the  
14 unavailability of mental health care professionals in the area, then the Board may consider the  
15 following options for satisfying this probationary term:

- 16       (1) Permitting respondent to receive supervision via videoconferencing; or,
- 17       (2) Permitting respondent to secure a supervisor not in respondent's field of practice.

18       The forgoing options shall be considered and exhausted by the Board in the order listed  
19 above. The Board may require that respondent provide written documentation of his good faith  
20 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a  
21 mental health professional that is licensed in the respondent's field of practice.

22       Respondent shall complete any required consent forms and sign an agreement with the  
23 supervisor and the Board regarding Respondent and the supervisor's requirements and reporting  
24 responsibilities. Failure to file the required reports in a timely fashion shall be a violation of  
25 probation. Respondent shall give the supervisor access to respondent's fiscal and client records.  
26 Supervision obtained from a probation supervisor shall not be used as experience gained toward  
27 licensure.

28       If the supervisor is no longer available, respondent shall notify the Board within 15 days

1 and shall not practice until a new supervisor has been approved by the Board. All costs of the  
2 supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per  
3 week in individual face to face meetings. The supervisor shall not be respondent's therapist.

4 **4. Education**

5 Respondent shall take and successfully complete the equivalency of two (2) semester units  
6 in substance use/abuse. All course work shall be taken at the graduate level at an accredited or  
7 approved educational institution that offers a qualifying degree for licensure as a marriage and  
8 family therapist, clinical social worker, educational psychologist, or professional clinical  
9 counselor or through a course approved by the Board. Classroom attendance must be specifically  
10 required. Course content shall be pertinent to the violation and all course work must be completed  
11 within 18 months (or as approved by the Board) from the effective date of this Decision.

12 Within 90 days of the effective date of the Decision respondent shall submit a plan for prior  
13 Board approval for meeting these educational requirements. All costs of the course work shall be  
14 paid by respondent. Units obtained for an approved course shall not be used for continuing  
15 education units required for renewal of licensure.

16 **5. Dependency Support Program**

17 Respondent shall attend a dependency program support program approved by the Board no  
18 less than two (2) times per week. Respondent shall provide proof of attendance at said program  
19 with each quarterly report that Respondent submits during the period of probation. Failure to  
20 attend or to show proof of such attendance shall constitute a violation of probation.

21 **6. Abstain from Controlled Substances / Submit Drug and Alcohol Testing**

22 Respondent shall completely abstain from the use or possession of controlled or illegal  
23 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

24 Respondent shall immediately submit to random and directed drug and alcohol testing, at  
25 respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a  
26 minimum number of random tests per year for the duration of the probationary term, as  
27 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no  
28 confidentiality in test results. Any confirmed positive finding will be immediately reported to



Respondent, Respondent's current employer, and the supervisor, if any, and shall be a violation of probation.

If Respondent tests positive for a controlled substance, Respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if he must submit to drug testing. Respondent shall submit his drug test on the same day that he is notified that a test is required. All alternative testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

**7. Abstain from Use of Alcohol / Submit to Alcohol and Drug Testing**

Respondent shall completely abstain from the intake of alcohol during the period of probation.

Respondent shall immediately submit to random and directed drug and alcohol testing, at respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a minimum number of random tests per year for the duration of the probationary term, as prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to Respondent, Respondent's current employer, and to the supervisor, if any, and shall be a violation of probation.

If Respondent tests positive for alcohol and/or a controlled substance, Respondent's license shall be automatically suspended. Respondent shall make daily contact as directed by the Board to determine if he must submit to testing. Respondent shall submit his test on the same day that he is notified that a test is required. All alternative testing sites due to vacation or travel outside of California must be approved by the Board prior to the vacation or travel.

**8. Obey All Laws**

Respondent shall obey all federal, state and local laws, all statutes and regulations governing the licensee, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit

1 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days  
2 of the effective date of the Decision, unless previously submitted as part of the licensure  
3 application process. Respondent shall pay the cost associated with the fingerprint process.

4 **9. File Quarterly Reports**

5 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the  
6 "Quarterly Report Form" (rev. 07/2016). Respondent shall state under penalty of perjury whether  
7 he has been in compliance with all the conditions of probation. Notwithstanding any provision  
8 for tolling of requirements of probation, during the cessation of practice respondent shall continue  
9 to submit quarterly reports under penalty of perjury.

10 **10. Comply with Probation Program**

11 Respondent shall comply with the probation program established by the Board and  
12 cooperate with representatives of the Board in its monitoring and investigation of respondent's  
13 compliance with the program.

14 **11. Interviews with the Board**

15 Respondent shall appear in person for interviews with the Board or its designee upon  
16 request at various intervals and with reasonable notice.

17 **12. Failure to Practice**

18 In the event respondent stops practicing in California, respondent shall notify the Board or  
19 its designee in writing within 30 calendar days prior to the dates of non-practice and return to  
20 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which  
21 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or  
22 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this  
23 condition, will not apply to the reduction of the probationary term and will relieve respondent of  
24 the responsibility to comply with the probationary terms and conditions with the exception of this  
25 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly  
26 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost  
27 Recovery. Respondent's license shall be subject to cancellation if Respondent's period of non-  
28 practice total two years.

1           **13. Change of Place of Employment or Place of Residence**

2           Respondent shall notify the Board or its designee in writing within 30 days of any change  
3 of place of employment or place of residence. The written notice shall include the address, the  
4 telephone number and the date of the change.

5           **14. Supervision of Unlicensed Persons**

6           While on probation, respondent shall not act as a supervisor for any hours of supervised  
7 practice required for any license issued by the Board. Respondent shall terminate any such  
8 supervisorial relationship in existence on the effective date of this Decision.

9           **15. Notification to Clients**

10          Respondent shall notify all clients when any term or condition of probation will affect their  
11 therapy or the confidentiality of their records, including but not limited to supervised practice,  
12 suspension, or client population restriction. Such notification shall be signed by each client prior  
13 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or  
14 its designee, satisfactory evidence of compliance with this term of probation.

15          **16. Notification to Employer**

16          Respondent shall provide each of his current or future employers, when performing services  
17 that fall within the scope of practice of his license, a copy of this Decision and the Statement of  
18 Issues or Accusation before commencing employment. Notification to respondent's current  
19 employer shall occur no later than the effective date of the Decision or immediately upon  
20 commencing employment. Respondent shall submit, upon request by the Board or its designee,  
21 satisfactory evidence of compliance with this term of probation.

22          Respondent shall provide to the Board the names, physical addresses, and telephone  
23 numbers of all employers, supervisors, and contractors.

24          Respondent shall complete the required consent forms and sign an agreement with the  
25 employer and supervisor, or contractor, and the Board to allow the Board to communicate with  
26 the employer and supervisor or contractor regarding the licensee's work status, performance, and  
27 monitoring.

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1           **17. Violation of Probation**

2           If respondent violates the conditions of his probation, the Board, after giving respondent  
3 notice and the opportunity to be heard, may set aside the stay order and impose the discipline  
4 (revocation/suspension) of respondent's license provided in the Decision.

5           If during the period of probation, an accusation, petition to revoke probation, or statement  
6 of issues has been filed against respondent's license or application for licensure, or the Attorney  
7 General's office has been requested to prepare such an accusation, petition to revoke probation, or  
8 statement of issues, the probation period set forth in this Decision shall be automatically extended  
9 and shall not expire until the accusation, petition to revoke probation, or statement of issues has  
10 been acted upon by the Board. Upon successful completion of probation, respondent's license  
11 shall be fully restored.

12           **18. Maintain Valid License**

13           Respondent shall, at all times while on probation, maintain a current and active license with  
14 the Board, including any period during which suspension or probation is tolled. Should  
15 respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license  
16 shall be subject to any and all terms of this probation not previously satisfied.

17           **19. License Surrender**

18           Following the effective date of this Decision, if respondent ceases practicing due to  
19 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of  
20 probation, respondent may voluntarily request the surrender of his license to the Board. The  
21 Board reserves the right to evaluate respondent's request and to exercise its discretion whether to  
22 grant the request or to take any other action deemed appropriate and reasonable under the  
23 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar  
24 days deliver respondent's license and certificate and if applicable wall certificate to the Board or  
25 its designee and respondent shall no longer engage in any practice for which a license is required.  
26 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms  
27 and conditions of probation.

28           Voluntary surrender of respondent's license shall be considered to be a disciplinary action

1 and shall become a part of respondent's license history with the Board. Respondent may not  
2 petition the Board for reinstatement of the surrendered license. Should respondent at any time  
3 after voluntary surrender ever reapply to the Board for licensure respondent must meet all current  
4 requirements for licensure including, but not limited to, filing a current application, meeting all  
5 current educational and experience requirements, and taking and passing any and all examinations  
6 required of new applicants.

7       **20. Instruction of Coursework Qualifying for Continuing Education**

8       Respondent shall not be an instructor of any coursework for continuing education credit  
9 required by any license issued by the Board.

10       **21. Notification to Referral Services**

11       Respondent shall immediately send a copy of this Decision to all referral services registered  
12 with the Board in which respondent is a participant. While on probation, respondent shall send a  
13 copy of this Decision to all referral services registered with the Board that respondent seeks to  
14 join.

15       **22. Reimbursement of Probation Program**

16       Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to  
17 ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1,200  
18 per year.

19                               **ACCEPTANCE**

20       I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
21 stipulation and the effect it will have on my Licensed Marriage and Family Therapist License. I  
22 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
23 intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral  
24 Sciences.

25  
26       DATED:       11/07/2022

*Jimmie T Simpson II*  
                              JIMMIE TERANGI SIMPSON II  
                              Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences.

DATED: November 7, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
NANCY A. KAISER  
Supervising Deputy Attorney General

*Langston M. Edwards*

LANGSTON M. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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65551063.docx

**Exhibit A**

**Statement of Issues No. 2002023000752**

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
Deputy Attorney General  
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*Attorneys for Complainant*  
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13 **JIMMIE TERANGI SIMPSON II**

**STATEMENT OF ISSUES**

14  
15 **Licensed Marriage and Family Therapist**  
**License Applicant**

16  
17 Respondent.

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19  
20 **PARTIES**

21 1. Steve Sodergren (Complainant) brings this Statement of Issues solely in his official  
22 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer  
23 Affairs.

24 2. On or about October 12, 2016, the Board issued Associate Marriage and Family  
25 Therapist License Number AMFT 95794 to Jimmie Terangi Simpson II (Respondent). The  
26 Associate Marriage and Family Therapist License cancelled on October 31, 2022 and is not  
27 renewable.  
28



3. On or about September 28, 2022, the Board of Behavioral Sciences, Department of Consumer Affairs received an application for a Licensed Marriage and Family Therapist License from Jimmie Terangi Simpson II (Respondent). On or about September 28, 2022, Jimmie Terangi Simpson II certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on October 11, 2022.

## JURISDICTION

4. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 4990.33 states:

Notwithstanding any other law, except as provided in Section 4990.32, the expiration, cancellation, forfeiture, or suspension of a license, registration, or other authority to practice by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license or registration by a licensee or registrant, of any license or registration within the authority of the board, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or registrant or to render a decision suspending or revoking the license or registration.

## **STATUTORY PROVISIONS**

6. Section 480 states, in pertinent part:

(a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application.

7. Section 4982 states, in pertinent part:

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of

unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A conviction has the same meaning as defined in Section 7.5. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence. All actions pursuant to this subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

....

(c) Administering to oneself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

### **REGULATORY PROVISIONS**

8. California Code of Regulations, title 16, section 1812, subdivision (a) states:

For purposes of denial, suspension, or revocation of a license pursuant to Section 141, Division 1.5 (commencing with Section 475 ), or Section 4982, Section 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. For purposes of this section, "license" shall mean license or registration.

### **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

9. Benzoylecgonine is the main metabolite of cocaine, formed by the liver.

10. Cocaine, and any cocaine base, is a Schedule I controlled substance as designated by Health and Safety Code section 11054(f)(1), or a Schedule II controlled substance, as designated in Health and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Business and Professions Code section 4022.

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11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug according to Business and Professions Code section 4022.

**FIRST CAUSE FOR DISCIPLINE**

**(Convictions of Substantially Related Crimes)**

12. Respondent's application is subject to denial under sections 480, subdivision (a)(1), and 4982, subdivision (a), in that Respondent was convicted of substantially related crimes, as follows:

a. On or about August 25, 2020, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% blood alcohol content (BAC), to wit, 0.26% BAC] in the criminal proceeding entitled *The People of the State of California v. Jimmie Terangi Simpson II* (Super. Ct. L.A. County, 2020, No. 9LB05382). The Court sentenced Respondent to one day in jail, placed him on 36 months of probation, ordered him to complete an 18-Month Second-Offender Alcohol Program, and in lieu of payment of fines, complete five days of Cal Trans duty. The circumstances of the arrest leading to the conviction are that on or about September 22, 2019, Respondent drove a vehicle while under the influence of a 0.26% BAC.

b. On or about May 19, 2021, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% BAC, to wit, 0.23% BAC] in the criminal proceeding entitled *The People of the State of California v. Jimmie Terangi Simpson* (Super. Ct. L.A. County, 2020, No. 0CS00976). The Court placed Respondent on 36 months of probation, and ordered him to complete 23 hours of community service, complete an 18-Month Second-Offender Alcohol Program, the Hospital and Morgue Program (HAM), the Mothers Against Drunk Drivers, Victim Impact Panel (MADD, VIP) and pay victim restitution. The circumstances of the arrest leading to the conviction are that on or about November 17, 2019, while under the influence of alcohol, Respondent drove his vehicle making a right turn on service streets, hit a parked vehicle on the left side of the street and collided into the rear of another parked vehicle on the right side of the street where his vehicle

1 stopped. Respondent informed officers that he didn't remember anything after driving down San  
2 Luis Street and woke up with someone standing at his window. Respondent emitted the strong  
3 odor of an alcoholic beverage from his breath and refused to complete field sobriety tests.

4 Respondent had a 0.23% BAC.

5 c. On or about May 19, 2021, Respondent was convicted of one misdemeanor count of  
6 violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% BAC, to  
7 wit, a 0.22% BAC] in the criminal proceeding entitled *The People of the State of California v.*  
8 *Jimmie Terangi Simpson II* (Super. Ct. L.A. County, 2021, No. 1CS00496). The Court placed  
9 Respondent on 36 months of probation, and ordered him to complete an 18-Month Second-  
10 Offender Alcohol Program, the HAM program, the MADD, VIP, pay victim restitution and pay  
11 fines or complete 23 hours of community service. The circumstances of the arrest leading to the  
12 conviction are that on or about March 7, 2020, law enforcement officers conducted a vehicle stop  
13 on Respondent's vehicle, where he stopped immediately in the middle of the avenue. Upon being  
14 requested to place his vehicle in park and turn it off, Respondent shifted the vehicle in reverse and  
15 collided with the officers' marked patrol vehicle. Officers observed Respondent emit the strong  
16 odor of an alcoholic beverage from his breath, have an unsteady gait swaying from side to side,  
17 slurred speech, and watery/glassy eyes, and was argumentative and uncooperative. Respondent  
18 informed the officers that he had two prior DUI convictions, and this one would negatively affect  
19 his life. Respondent's preliminary alcohol screening returned results of 0.247/0.249/0.244%.  
20 Respondent's blood test returned a BAC of 0.22% and a positive for benzoylecgonine (cocaine  
21 metabolite).

## 22 SECOND CAUSE FOR DISCIPLINE

### 23 **(Dangerous Use / Possession of a Controlled Substance – Methamphetamine)**

24 13. Respondent's application is subject to denial under sections 4982, subdivision (c) and 480,  
25 subdivision (a)(1), in that on or about July 5, 2019, Respondent possessed a controlled substance  
26 and dangerous drug, methamphetamine, to the extent, or in a manner, as to be dangerous or  
27 injurious to himself or others. Respondent was in possession of 0.1958 grams of  
28 methamphetamine without a valid prescription. Respondent informed law enforcement officers

1 that he obtained methamphetamine for free from a friend.

2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Dangerous Use of Alcohol)**

4 14. Respondent is subject to disciplinary action under section 4982, subdivision (c), on  
5 the grounds of unprofessional conduct, in that on or about September 22, 2019, November 17,  
6 2019, and March 7, 2020, Respondent administered alcoholic beverages to himself to the extent,  
7 or in a manner, as to be dangerous or injurious to himself or others. Complainant refers to and by  
8 this reference incorporates the allegations set forth above in paragraphs 12, above, as though set  
9 forth fully herein.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 15. Respondent is subject to disciplinary action under section 4982, in that Respondent  
13 committed acts of unprofessional conduct. Complainant refers to and by this reference  
14 incorporates the allegations set forth above in paragraphs 12 and 13, above, as though set forth  
15 fully herein.

16 **DISCIPLINE CONSIDERATIONS**

17 16. To determine the degree of discipline, Complainant alleges that:

18 a. On or about April 16, 2001, Respondent was convicted of one interlineated  
19 misdemeanor count of violating Vehicle Code section 12500(a) [drive without a valid license] in  
20 the criminal proceeding entitled *The People of the State of California v. Jimmie Simpson* (Super.  
21 Ct. L.A. County, 2001, No. 1WL10925). The Court placed Respondent on 12 months of  
22 probation and ordered him to complete five days of Cal Trans duty. On or about February 15,  
23 2013, the Court dismissed the matter pursuant to Penal Code section 1203.4. The circumstances  
24 of the arrest leading to the conviction occurred on or about February 17, 2001.

25 b. On or about June 20, 2002, Respondent was convicted of one misdemeanor count of  
26 violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.080% BAC, to  
27 wit, a 0.15% BAC] in the criminal proceeding entitled *The People of the State of California v.*  
28 *Jimmie Terangi Simpson II* (Super. Ct. L.A. County, 2002, No. 2MT05790). The Court placed

1 Respondent on 36 months of probation, ordered him to complete a Three-Month First-Offender  
2 Alcohol Program, and ordered him to pay fines or complete 13 days of community service. On or  
3 about August 19, 2003, after violating probation, Respondent was sentenced to 21 days in jail.

4 On or about March 20, 2013, the Court dismissed the matter pursuant to Penal Code  
5 section 1203.4. The circumstances of the arrest leading to the conviction occurred on or about  
6 May 25, 2002.

7 c. On or about May 2, 2005, Respondent was convicted of one misdemeanor count of  
8 violating Vehicle Code section 14601.5(a) [drive with a suspended/etc. license: DUI/refuse test]  
9 in the criminal proceeding entitled *The People of the State of California v. Jimmie Terangi*  
10 *Simpson* (Super. Ct. L.A. County, 2005, No. 5CM01274). The Court sentenced Respondent to  
11 five days in jail and placed him on 36 months of probation. On or about March 3, 2014, the Court  
12 dismissed the matter pursuant to Penal Code section 1203.4. The circumstances of the arrest  
13 leading to the conviction occurred on or about January 27, 2005.

14 d. On or about May 5, 2005, Respondent was convicted of one misdemeanor count of  
15 violating Penal Code section 12031(a)(1) [carry loaded firearm: public place] in the criminal  
16 proceeding entitled *The People of the State of California v. Jimmie Simpson* (Super. Ct. L.A.  
17 County, 2005, No. 5CM02510). The Court sentenced Respondent to ten days in jail and placed  
18 him on 36 months of probation. On or about November 1, 2011, the Court dismissed the matter  
19 pursuant to Penal Code section 1203.4. The circumstances of the arrest leading to the conviction  
20 occurred on or about April 28, 2005.

21 e. On or about August 24, 2005, Respondent was convicted of one felony count of  
22 violating Penal Code section 12025(a)(1) [carry concealed weapon in vehicle with prior] in the  
23 criminal proceeding entitled *The People of the State of California v. Jimmie Simpson* (Super. Ct.  
24 L.A. County, 2005, No. TA080764). On or about September 21, 2005, the Court sentenced  
25 Respondent to six days in jail and placed him on 36 months of formal probation. On or about  
26 October 6, 2006, after violating probation, Respondent was sentenced to an additional 174 days in  
27 jail. On or about September 24, 2007, after violating probation, Respondent was sentenced to 120  
28 days in jail. On or about December 31, 2010, the Court reduced the conviction to a misdemeanor

1 and dismissed the matter pursuant to Penal Code section 1203.4. On or about March 10, 2016,  
2 the Court issued Respondent a Certificate of Rehabilitation. The circumstances of the arrest  
3 leading to the conviction occurred on or about August 22, 2005.

4 f. On or about October 10, 2006, after admitting to prior convictions on June 20, 2002,  
5 and May 2, 2005, Respondent was convicted of two misdemeanor counts of violating Vehicle  
6 Code section 23152(b) [drive with an equal to or greater than 0.08% BAC] and 14601.1(a) [drive  
7 while license suspended/etc.] in the criminal proceeding entitled *The People of the State of*  
8 *California v. Jimmie Terangi Simpson II* (Super. Ct. L.A. County, 2006, No. 6CP03463). The  
9 Court sentenced Respondent to ten days in jail, placed him on 36 months of probation, and  
10 ordered him to complete an 18-Month Second-Offender Alcohol Program. On or about  
11 December 5, 2017, after violating probation, the Court sentenced Respondent to 17 days in jail.  
12 On or about January 31, 2013, the Court dismissed the matter pursuant to Penal Code  
13 section 1203.4. The circumstances of the arrest leading to the conviction occurred on or about  
14 March 23, 2006.

15 g. On or about September 24, 2007, Respondent was convicted of one interlineated  
16 felony count of violating Penal Code section 69 [obstruction of justice] in the criminal proceeding  
17 entitled *The People of the State of California v. Jimmie Terangi Simpson* (Super. Ct. L.A. County,  
18 2007, No. TA091863). The Court sentenced Respondent to 120 days in jail and placed him on 36  
19 months of formal probation. On or about February 14, 2011, the Court reduced the conviction to  
20 a misdemeanor and dismissed the matter pursuant to Penal Code section 1203.4. On or about  
21 March 10, 2016, the Court issued Respondent a Certificate of Rehabilitation. The circumstances  
22 of the arrest leading to the conviction occurred on or about July 24, 2007.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Denying the application of Jimmie Terangi Simpson II for a Licensed Marriage and Family Therapist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: November 7, 2022

*Steve Sodergren*

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STEVE SODERGREN  
Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
*Complainant*

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